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Agenda Item No: 4

Bristol City Council

Minutes of Neighbourhoods Scrutiny Commission

16th October 2015

Councillors: Denyer, Fodor, Harvey, Langley (substitute for Hickman), Lovell (Vice-Chair), G Morris, Milestone and Negus (Chair)

Officers in Attendance:-

Alison Comley - Strategic Director Neighbourhoods, Lucy Fleming – Scrutiny Co-ordinator, Kate Murray - Head of Libraries, Di Robinson (Service Director – Neighbourhoods and Communities), Richard Fletcher (Neighbourhood Engagement Manager), Pauline Powell (Senior Solicitor), Stephen Davey (Avon and Somerset Police), Pam Jones (Service Manager – Environment and Leisure Operations), Kay Russell (Strategic Planning Manager), Dave Clarke (Executive Support Officer), Larry Wolfe (Interim Waste Services Manager), Rachel Allbless (Planning and Development Manager), Mary Ryan (Service Director: Landlord Services) and Jeremy Livitt - Democratic Services Officer.

45. Apologies for Absence and Substitutions (Agenda Item 1)

Apologies were received from Councillor Margaret Hickman (substituted for by Councillor Mike Langley) and Councillor Estella Tincknell

46 Public Forum (Agenda Item 2)

The following Public Forum Items were received for this meeting in respect of:

Agenda Item 9 - New Byelaws for Parks and Green Spaces in Bristol

- S1. Bristol Parks Forum
- S2. Rob Acton-Campbell, Chair of the St George Neighbourhood Partnership
- S3. Councillor Mark Wright – Cabot Ward

It was agreed that these Public Forum statements should be heard at the beginning of this item.

47. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

48. Minutes of Neighbourhoods Scrutiny – 17th September 2015 (Agenda Item 4)

Resolved – that the minutes of the above meeting be confirmed as a correct record and signed by the Chair subject to the word “prevent” in Paragraph (12) of Minute Number 40 being replaced with “present”.

Action: Jeremy Livitt

49. Action Sheet – 17th September 2015 (Agenda Item 5)

Members noted the above Action Sheet.

50. Whipping (Agenda Item 6)

There was no whipping for this meeting.

51. Chair’s Business (Agenda Item 7)

The Chair thanked all participants in the Housing Inquiry Day on Friday 2nd October 2015. He stated that it had been proposed that a discussion on the issues arising from this event should be discussed as a Joint Item (with Place Scrutiny Commission Councillors) at a meeting of the Neighbourhoods Scrutiny Commission at 10am on Friday 18th December 2015. It was noted that members of the Place Scrutiny Commission would be invited to attend for this item. **Action: Jeremy Livitt**

In addition, the Chair advised that it was proposed that 18th December 2015 meeting should also discuss Joint aspects of waste relating to the Energy Management Company.

52. Update on Libraries (Agenda Item 8)

There was discussion on the following issues during this debate

Use of Buildings

Scrutiny Commission members made the following points:

- a. Following the Cabinet decision to keep 27 libraries open, it was important to contribute to making them thrive;
- b. There needed to be a patchwork of tailored provision across the city;

Officers made the following comments in response:

- c. Officers were examining a number of different ways that building use could be made, including extending library hours;
- d. Discussions with a range of colleagues would be taking place concerning a provision of a variety of services (ie Community Care).

Volunteers

Scrutiny Commission members made the following points:

- e. The report needed to indicate that the role of volunteers in supporting paid staff would be considered as a way of ensuring provision matched as closely as possible what was previously being provided. This approach seemed to have been discounted. In response, officers indicated that under the new arrangements buildings would be used in a completely different way. They indicated that the intention was that volunteers would not be able to replace paid staff (permanent or temporary);
- f. The potential role of volunteers and of any potential commercial use for library buildings needed to be examined.

Staffing

Scrutiny Commission members made the following points:

- g. Following the Cabinet decision, the focus should be on ensuring the best possible arrangements can be provided within the limitations of the future service – staffing arrangements should reflect this;
- h. It was disappointing to see that an estimated 20 FTE staff (40/50 people including those who work part-time) could be displaced. Officers indicated that they would provide a breakdown of the detail of this once the detailed figure was known – this would depend on arrangements concerning Opening Hours;
- i. The existing number of temporary staff was of concern – there needed to be greater clarity as to how these staff would operate;
- j. The differing employment arrangements for staff could make it more difficult to meet the statutory demands of the service;
- k. There was a problem in maintaining opening hours for certain libraries which appeared to be linked to staffing issues such as sickness.

Officers made the following comments in response:

- l. There were currently no plans for redundancies – even if some staff accepted the offer of voluntary severance, there would still be a consultation process;
- m. There were very few full-time staff out of the total 231 staff employed in libraries;

Lone Working Policy

Officers confirmed that Bristol City Council did not currently operate a lone working policy since all staff worked in pairs. However, it was noted that, in

view of the agreed changes made at Cabinet, officers may need to re-examine this in future. It was explained that some Local Authorities did operate such a policy. Officers confirmed that the current lone worker policy would be re-examined in the light of the impact of the forthcoming Swipe Card Access arrangements for libraries (see section below).

In response, Councillors made the following comments:

- n. The staffing changes could have an impact on the ability of the service to operate any such policy in future;
- o. Any such change could have an impact on other services provided by the Council.

Swipe Card Pilots

Officers confirmed that there would be three Swipe Card Pilots operating in three different areas of the city – North, Central and South. It was explained that the proposals for Swipe Card Access would operate over the next 6 months in a range of different scenarios, commencing in 2015. There were various reasons for introducing this scheme related to the Council's current policy on lone working, security, union practices and Health and Safety requirements. It was intended that this would offer greater flexibility for the public in being able to access the library at times when it was closed.

In response, Councillors commented that the Swipe Card Access raised serious concerns about security for staff, particularly in the light of the proposed staffing changes and any potential introduction of a Lone Worker Policy. Whilst Councillors noted officers' response that there had been no major serious incidents which might lead to concerns about issues such as potential theft or Health and Safety issues, they remained concerned that the situation would be different with the proposed future arrangements as opposed to an alternative arrangement such as one where one member of staff might operate with a volunteer.

Councillors also expressed concern at the cost of the scheme and whether or not it was Value for Money (VFM).

Participation

Councillors expressed concern that more detailed knowledge was required about levels of voluntary participation which appeared to vary greatly across the city. Officers indicated that they had detailed knowledge about this issue arising from the consultation and could map where these groups were across the city.

Lockleaze

Councillors requested further information concerning the situation at Lockleaze as soon as possible.

Capital Programme

Councillors requested further detail concerning the £1.2 Million outlined in the Appendix which sets out the Capital Programme Draft Profiling.

Ethical Property

In response to a member's question concerning the use of the term "Ethical Property", officers explained that the term refers to the St Paul's Family and Learning Centre which had been subject to a Community Asset Transfer (CAT) and of which Bristol City council library service was now a tenant. Discussions would be taking place with this organisation as to how this site could be developed.

Resolved:

(1) to note that officers will re-examine the lone worker policy in the light of the impact of forthcoming Swipe Card Access arrangements for libraries

(2) that further information will be provided as soon as available concerning the situation in Lockleaze and further detail concerning the Capital Programme Draft Profiling figure

(3) that officers will provide a breakdown of the total number of staff to be affected by the proposals

Action: Kate Murray/Di Robinson

53. New Byelaws for Parks and Green Spaces in Bristol (Agenda Item 9)

The Public Forum statements relating to this item were heard immediately prior to consideration of this report (see Minute Number 46).

It was noted that the St George Neighbourhood Partnership did not oppose the creation of barbecue areas throughout most areas in parks. However, in some areas, such as Troopers Hill, long grass was maintained as part of a nature reserve and was at much greater risk of catching fire. It was noted that in 2013 there had been a number of large fires which had spread very quickly throughout the area.

Members considered the draft report that would be presented to Full Council by the Assistant Mayor (Councillor Daniella Radice).

Scrutiny Commission members made the following comments during the discussion:

- a. This was an excellent report which reflected the detailed work that had been carried out over the last 3 to 4 years.

Process for the Introduction of Byelaws

- b. It was a concern that the report seemed to suggest that byelaws could not be introduced to tackle particular types of Anti-Social Behaviour unless a complaint had been made.

Officers pointed out that DCLG advice was that byelaws should only apply where there was a recognised issue that needed to be addressed ie where there was a database showing a series of incidents of Anti-Social behaviour that needed to be tackled (an Audit Trail – for example, a Police database containing this information). The legal officer in attendance confirmed that it would not be appropriate to introduce byelaws as a pre-emptive measure without sufficient evidence of a need to do so.

Officers also indicated that the introduction of Public Space Protection Orders could take place in situations where there was a piece of land which had a particular problem that needed to be tackled.

Types of Byelaws

Scrutiny Commission members made the following points:

- c. It was a concern that large sections of green space within the city were not covered by these byelaws – ie Docks Byelaws, Downs Byelaws. A detailed map setting out the different byelaw arrangements that operated throughout the city needed to be made available for Full Council so that these were clear, as well as those areas where no byelaws applied. Officers confirmed that this information was available and would be provided;

- d. In response to suggestions raised by Councillors concerning the possibility of Full Council considering the different byelaws for all the relevant different pieces of green space in addition to the list set out in the current report, officers stated that this had been considered at an earlier stage. It was indicated that discussions were taking place with the Harbour Master concerning the Docks Byelaws and with the appropriate parties concerning other byelaws such as the Downs Byelaws. However, officers' view was that it would be too complex and potentially confusing to attempt to incorporate these byelaws into the proposed arrangements going forward to Full Council. Instead, it was proposed that arrangements for the introduction of these byelaws would take place at a later date.

Enforcement

Scrutiny Commission members made the following points:

- d. Enforcement continued to be over dependent on PCSO's – in areas such as St Andrews Park, there were a range of different problems such as the use of oil drums and large competing sound systems, as well as ungoverned dogs on leads. There also needed to be work carried out in

schools to help understand the importance of parks and green spaces. In response to this, the Police representative pointed out that, subject to inappropriate behaviour being observed in a park and a byelaw being transgressed, action could be taken by the relevant authorities (ie Street Scene and the Legal Team) if the behaviour persists;

e. The report stated that someone from the Council's in-house legal team would take action in the event that byelaws were transgressed. Further clarification was required as to how this would operate. Officers referred to the diagram in the report setting out how the enforcement process would work. Members' attention was also drawn to the relevant Inquiry day on this issue which had been held previously and which had received evidence from Leeds City Council where the modification of a byelaw had had a deterrence effect.

Barbecues

Scrutiny Commission members made the following points:

f. Barbecues needed to be held in designated areas to avoid the potential of fire risk. Officers confirmed that the byelaw could be framed in such a way as to achieve this;

g. The Scrutiny Commission's view was that barbecue stands should be used with barbecues in parks and open spaces at all times.

In response to a member's question concerning the arrangements for involving Neighbourhood Partnerships, officers confirmed that discussions concerning issues such as appropriate designated barbecue sites would first take place with Neighbourhood Partnerships and only at that point would be referred to the Secretary of State.

Different Roles of Scrutiny and Full Council

h. A large amount of information was unnecessarily duplicated in the draft report for Full Council and the covering report for the Neighbourhoods Scrutiny Commission. In addition, Pages 35 to 51 of the report appeared to be making differing comments. In response, officers confirmed that they would check the document thoroughly before submission to Full Council. The legal officer in attendance advised that there were differing roles for the Scrutiny Commission and Full Council in considering the report and that it was for this reason that the report had been prepared in this way. It was agreed that, in future, the Scrutiny Commission only needed to receive the report in question in similar situations, rather than a full covering report.

Resolved –

- (1) that officers provide a list of sites that are not covered by these byelaws for the report to the Full Council meeting, together with details of what the alternative arrangements are in each case (ie Docks Byelaws, Downs Byelaws or none etc.);**

- (2) that the Scrutiny Commission's view is that barbecues should operate in clear designated areas in parks and open spaces where there is no demonstrable fire risk and should always be on stands to minimise damage;
- (3) that officers note the comments from Scrutiny Commission members concerning preparation of this report and take appropriate action in future instances.

Action: Richard Fletcher/Pauline Powell/Di Robinson

54. Housing Revenue Account Business Plan and Housing Management Board (Agenda Item 10)

Members noted this report setting out a brief summary of the role of the City Council as a landlord and the funding of Council housing within the Housing Revenue Account (HRA).

Scrutiny Commission members made the following comments:

- a. The potential for the Government to require the selling off of BCC's most desirable properties was a serious concern. Officers confirmed that the routine disposal of properties provided an important source of income and that the welfare reforms would make the collection of rent more difficult. They also advised that the Business Change Scrutiny Commission would be considering this issue in more detail;
- b. The city had lost over 22,000 Social Housing properties in the city as a result of the Right To Buy Policy. A new strategy was required to build new homes in order to create space for the estimated 27,000 housing units that were required. In addition, if more money was spent on improving properties to meet the Decent Homes Standard there could not be a sustainable Business Plan. Officers advised that, in the past, tenants had always indicated that they would like to stay with the existing arrangements. However, the situation had changed in the last few months and other solutions could be considered, for example use of the General Fund rather than just the HRA;
- c. It was important that Bristol City Council is able to debate its role as landlord and to discuss the issue of people affected by the Universal Credit arrangements.

Officers made the following comments in response to questions raised by Councillors:

- d. Officers noted that, whilst the building of new homes had been slower than anticipated (10 out of 30 since 2011), work had now commenced on the remainder which were scheduled to be built by the end of the year;
- e. Officers pointed out that the Business Plan does not sustain Right to Buy – if more money needs to be spent on improving properties, this would create difficulties. BCC's role in providing decent quality homes was unrelated to the right to buy legislation which it was also required to operate;

- f. Officers stated that their model suggested that it was the compounding effect of lost rents which was having an impact on income. The HRA had an important role to play as part of a collective model including other bodies such as Housing Associations to assess where the best places to intervene were in order to deliver a greater impact;
- g. Officers confirmed that 96% of homes operated to the Decent Homes Standard – there was not yet any measure for the Aspirational Standard.

Resolved – that the report be noted.

55 Scoping Plan: Updating the 2009 Waste and Street Scene Strategy (Agenda Item 11)

Members considered a report outlining the scope of the work required to update the Waste and Street Scene Services Strategy.

The meeting noted that there had previously been 2 Inquiry Days relating to waste, a number of meetings between various parties and 2 meetings with the Neighbourhoods Scrutiny Commission Spokespersons.

The following points were made by Scrutiny Commission members:

- a. At previous discussions on this issue, it had been noted that waste should be seen as part of a discussion about resource in general and of the need to build this area of work into a broader link with other partners;
- b. It was noted that the Bristol Waste Company was initially set up to last one year and that, therefore, work should start as soon as possible on arrangements once this period had ended. If the in-house approach was shown to have worked and was economic, there was no reason why it should not continue in future;
- c. The Chair referred to letters he had sent to the 8 big supermarket chains concerning the issue of disposal of packaging and distribution of food waste. Scrutiny members noted that work had previously been carried out by WRAP (Waste and Resource Action Plan) concerning this but with limited success. There had also been work carried out with the British Retail Consortium including the setting of targets. In addition, work that was being carried out with other cities and Local Authorities was very important in this area;
- d. The Waste and Street Scene Strategy (now re-named the Resource Strategy) was a refresh from the 2009 document. It was intended that it would be an up to date document and containing examples of good practice. The food waste and retail strategies were important.

During the discussion concerning the Bristol Waste Company, Alison Comley (Strategic Director - Neighbourhoods) stated that she had an interest in this matter as a Director of this organisation.

In response to questions from members, officers made the following points:

e. Since the existing waste contract was only for 1 year, officers were currently setting up processes to examine options for the way forward - It was noted that there was an item for the November 2015 Scrutiny Commission concerning the Waste Company which would set out the Quarter 1 Performance Report;

f. Officers were involved in discussions concerning best practice ie income from plastics only being sold back to the producer (similar to a system currently in operation in Porto, Portugal) and discussions with core cities to lobby Government in this area.

Resolved – that

- (1) officers arrange for representatives of the eight big supermarkets to attend future Scrutiny Commission(s) in order to provide evidence concerning current arrangements for disposal of packaging and distribution of food waste;**
- (2) regular update reports continue to be provided.**

Action: Pam Jones/Kay Russell/Dave Clarke/Lucy Fleming/Romayne De Fonseca

56 Work Programme (Agenda Item 12)

Members discussed the Work Programme for future meetings. It was proposed that the provisional meeting fixed for 10am on Friday 18th December 2015 would now take place since there were a number of items proposed for discussion.

Resolved –

(1) That officers discuss the best approach to take concerning the Libraries Update report in view of the tight timescales for production of reports for the next Neighbourhoods Scrutiny Commission Planning Meeting (ie which meeting it should be submitted to);

(2) that the provisional date for a future meeting at 10am on Friday 18th December 2015 be confirmed including:

- (i) a Joint Item with Place Scrutiny Commission to discuss the issues arising out of the recent Housing Inquiry**
- (ii) an item on Waste – a progress report on the Energy Company**
- (iii) if deemed appropriate, a Libraries Update item**

57 Date of Next Meeting (Agenda Item 13)

It was noted that the next meeting was scheduled for 10am on Monday 23rd November 2015 in a Committee Room, Brunel House, St George's Road, Bristol.

CHAIR

The meeting finished at 1pm.